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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH, JAIPUR

**O R D E R**

S.B. CIVIL WRIT PETITION NO. 8829/2002

SHRI JAIN SWETAMBER TERAPANTHI SR. SECONDARY SCHOOL  
Vs.  
THE STATE OF RAJASTHAN & ORS.

DATE: 22.08.2007.

**HON'BLE MR. JUSTICE K.S. RATHORE**

Mr. Virendra Lodha for the petitioner.  
Mr. B.S. Chhaba, Addl. GA for the State.

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This writ petition after serving notice for demand of justice, is filed by the petitioner seeking following reliefs:-

(i) by an appropriate writ, order or direction the Hon'ble Court may kindly call for the entire record and after examining the same be pleased to declare the impugned action of the respondent no. 1 @ 2 (State of Rajasthan) precisely by not reimbursing the 70% Gratuity Amount which has already been paid by the petitioner to the proforma respondent no.3 by the petitioner to the tune of Rs. 23,705/-, it being an accrued expenditure be declared null and void and be quashed and set aside;

(ii) by further appropriate writ, order or direction, the respondent no.1 & 2 be directed to release 70% Gratuity Amount i.e. Rs. 23,705/- to the petitioner along

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with 36% interest because the petitioner-institution is receiving 70% Grant in Aid from the State Government and the entire payment of the Gratuity Amount has already been paid by the petitioner-institution as such the 70% amount of Gratuity is liable to be refunded from the State Government alongwith interest;

(iii) Any other order or direction which may be considered just and proper in the facts and circumstances of the case be passed in favour of the petitioner;

(iv) Cost of the writ petition may kindly be awarded to the petitioner.

As per the petitioner-institution, 70% of the gratuity amount is required to be reimbursed by the respondents and this comes to the tune of Rs. 23,705/- as the petitioner-institution is receiving 70% grant in aid from the State Government and entire payment of the gratuity amount is already paid by the institution and as such, the institution is entitled to get back 70% of the gratuity amount and the same should be refunded from the State Government along with interest.

I have heard learned counsel for the petitioner as well as learned Govt. Advocate appearing for the state.

It appears that the petitioner has not made any efforts to represent before the respondents and

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after serving notice for demand of justice dated 02.09.2002, preferred the instant writ petition.

Be that as it may, the petitioner-institution is given liberty to represent before the respondents and on such eventuality, the respondents shall consider the same and if the petitioner is legally entitled to get reimbursement of the gratuity amount, which has already been paid by the petitioner to its employees, the same shall be considered in accordance with the provisions of law expeditiously.

With these observations, the writ petition stands disposed of.

**(K.S. RATHORE),J.**

/KKC/